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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 RANDELL EMBRY,

12 Plaintiff,

13 v.

14 PIERCE COUNTY DETENTION
15 CORRECTIONS CENTER, *et al*,

16 Defendants.

17 Case No. C09-5276 FDB

18 ORDER ADOPTING REPORT
19 AND RECOMMENDATION
20 DISMISSING FRIVOLOUS
21 COMPLAINT PURSUANT TO
22 28 U.S.C. § 1915

23 This matter comes before the Court on the recommendation of the magistrate Judge that Plaintiff's
24 civil rights complaint be dismissed as frivolous pursuant to 28 U.S.C. § 1915. As detailed in the Report
25 and Recommendation, Plaintiff has twice been informed of the deficiencies in his complaint and has
26 failed to cure the deficiencies. When an *in forma pauperis* complaint is frivolous, fails to state a claim, or
27 contains a complete defense to the action on its face, the Court may dismiss the complaint before service
28 of process under 28 U.S.C. § 1915(d). Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987).

23 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L.
24 Strombom, and the remaining record, does hereby find and ORDER:

25 (1) The Court adopts the Report and Recommendation;
26 (2) Plaintiff's complaint is **DISMISSED**;
27 (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count
28 this as a dismissal under **28 U.S.C. § 1915(g)**; and

1 (4) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. Karen L.
2 Strombom.

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4 DATED this 23rd day of November, 2009.

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8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE

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